

1 AN ACT relating to prevention-oriented child sexual education.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 156.070 is amended to read as follows:

4 (1) The Kentucky Board of Education shall have the management and control of the  
5 common schools and all programs operated in these schools, including  
6 interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for  
7 the Blind, and community education programs and services.

8 (2) The Kentucky Board of Education may designate an organization or agency to  
9 manage interscholastic athletics in the common schools, provided that the rules,  
10 regulations, and bylaws of any organization or agency so designated shall be  
11 approved by the board, and provided further that any administrative hearing  
12 conducted by the designated managing organization or agency shall be conducted in  
13 accordance with KRS Chapter 13B.

14 (a) The state board or its designated agency shall assure through promulgation of  
15 administrative regulations that if a secondary school sponsors or intends to  
16 sponsor an athletic activity or sport that is similar to a sport for which  
17 National Collegiate Athletic Association members offer an athletic  
18 scholarship, the school shall sponsor the athletic activity or sport for which a  
19 scholarship is offered. The administrative regulations shall specify which  
20 athletic activities are similar to sports for which National Collegiate Athletic  
21 Association members offer scholarships.

22 (b) Beginning with the 2003-2004 school year, the state board shall require any  
23 agency or organization designated by the state board to manage interscholastic  
24 athletics to adopt bylaws that establish as members of the agency's or  
25 organization's board of control one (1) representative of nonpublic member  
26 schools who is elected by the nonpublic school members of the agency or  
27 organization from regions one (1) through eight (8) and one (1) representative

1 of nonpublic member schools who is elected by the nonpublic member  
2 schools of the agency or organization from regions nine (9) through sixteen  
3 (16). The nonpublic school representatives on the board of control shall not be  
4 from classification A1 or D1 schools. Following initial election of these  
5 nonpublic school representatives to the agency's or organization's board of  
6 control, terms of the nonpublic school representatives shall be staggered so  
7 that only one (1) nonpublic school member is elected in each even-numbered  
8 year.

9 (c) The state board or any agency designated by the state board to manage  
10 interscholastic athletics shall not promulgate rules, administrative regulations,  
11 or bylaws that prohibit pupils in grades seven (7) to eight (8) from  
12 participating in any high school sports except for high school varsity soccer  
13 and football, or from participating on more than one (1) school-sponsored  
14 team at the same time in the same sport. The Kentucky Board of Education, or  
15 an agency designated by the board to manage interscholastic athletics, may  
16 promulgate administrative regulations restricting, limiting, or prohibiting  
17 participation in high school varsity soccer and football for students who have  
18 not successfully completed the eighth grade.

19 (d) Every local board of education shall require an annual medical examination  
20 performed and signed by a physician, physician assistant, advanced practice  
21 registered nurse, or chiropractor, if performed within the professional's scope  
22 of practice, for each student seeking eligibility to participate in any school  
23 athletic activity or sport. The Kentucky Board of Education or any  
24 organization or agency designated by the state board to manage interscholastic  
25 athletics shall not promulgate administrative regulations or adopt any policies  
26 or bylaws that are contrary to the provisions of this paragraph.

27 (e) Any student who turns nineteen (19) years of age prior to August 1 shall not

1 be eligible for high school athletics in Kentucky. Any student who turns  
2 nineteen (19) years of age on or after August 1 shall remain eligible for that  
3 school year only. An exception to the provisions of this paragraph shall be  
4 made, and the student shall be eligible for high school athletics in Kentucky if  
5 the student:

- 6 1. Qualified for exceptional children services and had an individual  
7 education program developed by an admissions and release committee  
8 (ARC) while the student was enrolled in the primary school program;
- 9 2. Was retained in the primary school program because of an ARC  
10 committee recommendation; and
- 11 3. Has not completed four (4) consecutive years or eight (8) consecutive  
12 semesters of eligibility following initial promotion from grade eight (8)  
13 to grade nine (9).

- 14 (f) 1. The state board or any agency designated by the state board to manage  
15 interscholastic athletics shall promulgate administrative regulations that  
16 permit a school district to employ or assign nonteaching or noncertified  
17 personnel or personnel without postsecondary education credit hours to  
18 serve in a coaching position. The administrative regulations shall give  
19 preference to the hiring or assignment of certified personnel in coaching  
20 positions.
- 21 2. A person employed in a coaching position shall be a high school  
22 graduate and at least twenty-one (21) years of age and shall submit to a  
23 criminal background check in accordance with KRS 160.380.
  - 24 3. The administrative regulations shall specify post-hire requirements for  
25 persons employed in coaching positions.
  - 26 4. The regulations shall permit a predetermined number of hours of  
27 professional development training approved by the state board or its

1 designated agency to be used in lieu of postsecondary education credit  
2 hour requirements.

3 5. A local school board may specify post-hire requirements for personnel  
4 employed in coaching positions in addition to those specified in  
5 subparagraph 3. of this paragraph.

6 (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State  
7 Property and Buildings Commission, or others, whether public or private, any  
8 lands, buildings, structures, installations, and facilities suitable for use in  
9 establishing and furthering television and related facilities as an aid or  
10 supplement to classroom instruction, throughout the Commonwealth, and for  
11 incidental use in any other proper public functions. The lease may be for any  
12 initial term commencing with the date of the lease and ending with the next  
13 ensuing June 30, which is the close of the then-current fiscal biennium of the  
14 Commonwealth, with exclusive options in favor of the board to renew the  
15 same for successive ensuing bienniums, July 1 in each even year to June 30 in  
16 the next ensuing even year; and the rentals may be fixed at the sums in each  
17 biennium, if renewed, sufficient to enable the State Property and Buildings  
18 Commission to pay therefrom the maturing principal of and interest on, and  
19 provide reserves for, any revenue bonds which the State Property and  
20 Buildings Commission may determine to be necessary and sufficient, in  
21 agreement with the board, to provide the cost of acquiring the television and  
22 related facilities, with appurtenances, and costs as may be incident to the  
23 issuance of the bonds.

24 (b) Each option of the Kentucky Board of Education to renew the lease for a  
25 succeeding biennial term may be exercised at any time after the adjournment  
26 of the session of the General Assembly at which appropriations shall have  
27 been made for the operation of the state government for such succeeding

1 biennial term, by notifying the State Property and Buildings Commission in  
2 writing, signed by the chief state school officer, and delivered to the secretary  
3 of the Finance and Administration Cabinet as a member of the commission.  
4 The option shall be deemed automatically exercised, and the lease  
5 automatically renewed for the succeeding biennium, effective on the first day  
6 thereof, unless a written notice of the board's election not to renew shall have  
7 been delivered in the office of the secretary of the Finance and Administration  
8 Cabinet before the close of business on the last working day in April  
9 immediately preceding the beginning of the succeeding biennium.

- 10 (c) The Kentucky Board of Education shall not itself operate leased television  
11 facilities, or undertake the preparation of the educational presentations or  
12 films to be transmitted thereby, but may enter into one (1) or more contracts to  
13 provide therefor, with any public agency and instrumentality of the  
14 Commonwealth having, or able to provide, a staff with proper technical  
15 qualifications, upon which agency and instrumentality the board, through the  
16 chief state school officer and the Department of Education, is represented in  
17 such manner as to coordinate matters of curriculum with the curricula  
18 prescribed for the public schools of the Commonwealth. Any contract for the  
19 operation of the leased television or related facilities may permit limited and  
20 special uses of the television or related facilities for other programs in the  
21 public interest, subject to the reasonable terms and conditions as the board and  
22 the operating agency and instrumentality may agree upon; but any contract  
23 shall affirmatively forbid the use of the television or related facilities, at any  
24 time or in any manner, in the dissemination of political propaganda or in  
25 furtherance of the interest of any political party or candidate for public office,  
26 or for commercial advertising. No lease between the board and the State  
27 Property and Buildings Commission shall bind the board to pay rentals for

1 more than one (1) fiscal biennium at a time, subject to the aforesaid renewal  
2 options. The board may receive and may apply to rental payments under any  
3 lease and to the cost of providing for the operation of the television or related  
4 facilities not only appropriations which may be made to it from state funds,  
5 from time to time, but also contributions, gifts, matching funds, devises, and  
6 bequests from any source, whether federal or state, and whether public or  
7 private, so long as the same are not conditioned upon any improper use of the  
8 television or related facilities in a manner inconsistent with the provisions of  
9 this subsection.

10 (4) The state board may, on the recommendation and with the advice of the chief state  
11 school officer, prescribe, print, publish, and distribute at public expense such  
12 administrative regulations, courses of study, curriculums, bulletins, programs,  
13 outlines, reports, and placards as each deems necessary for the efficient  
14 management, control, and operation of the schools and programs under its  
15 jurisdiction. All administrative regulations published or distributed by the board  
16 shall be enclosed in a booklet or binder on which the words "informational copy"  
17 shall be clearly stamped or printed.

18 (5) Upon the recommendation of the chief state school officer or his designee, the state  
19 board shall establish policy or act on all matters relating to programs, services,  
20 publications, capital construction and facility renovation, equipment, litigation,  
21 contracts, budgets, and all other matters which are the administrative responsibility  
22 of the Department of Education.

23 (6) The state board may, on the recommendation and with the advice of the chief  
24 state school officer, address matters pertaining to the health and well-being of  
25 Kentucky school children including establishing a policy of age-appropriate  
26 education programs regarding the recognition of child physical, sexual, and  
27 emotional abuse and neglect and how to report suspected abuse.

1           ➡Section 2. Section 1 of this Act and 2015 Ky. Acts ch. 7, sec. 1, subsec. (7) shall  
2   be known and may be cited as Erin's Law.